

# EXHIBIT 4

BakerHostetler



April 18, 2022

**VIA ECF**

The Honorable John F. Keenan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1930  
New York, NY 10007-1312

Re: *Picard v. Sage Associates and Sage Realty, et al.*, Nos. 20-cv-10057 (JFK), 20-cv-10109 (JFK)

Dear Judge Keenan:

We write concerning the Court's Findings of Fact and Conclusions of Law, filed on April 15, 2022 (Dkt. No. 111) (the "Findings"). At the conclusion of the Findings, the Court directed the Clerk of Court to enter a judgment "in favor of the Trustee and against the Defendants, Sage Associates, Sage Realty, Malcolm Sage, Martin Sage, and Ann Sage Passer, jointly and severally, in the amount of \$16,880,000." (Findings at 95.) The parties respectfully request that the Court modify that direction for the reasons stated below.

As the Court knows, this consolidated matter involves two separate avoidance actions brought by the Trustee seeking to avoid and recover transfers made by Bernard L. Madoff's firm to two separate entities, Sage Associates and Sage Realty. The first case is captioned *Picard v. Sage Associates, et al.*, Adv. Pro. No. 10-04362 in the Bankruptcy Court and 20 No. Civ. 10057 in this Court. In that case, the Trustee sought to avoid and recover transfers of \$13,510,000 to Sage Associates, to hold Malcolm Sage, Martin Sage and Ann Sage Passer jointly and severally liable, and certain other relief. The second case is captioned *Picard v. Sage Realty, et al.*, Adv. Pro. No. 10-04400 in the Bankruptcy Court and 20 No. Civ. 10109 in this Court. In that case, the Trustee sought to avoid and recover transfers of \$3,370,000 to Sage Realty, to hold Malcolm Sage, Martin Sage and Ann Sage Passer jointly and severally liable, and certain other relief. Although Malcolm Sage, Martin Sage, and Ann Sage Passer invested in both the Sage Associates and Sage Realty accounts, as noted in Defendants' Proposed Findings of Fact and Conclusions of Law, there were other investors in the Sage Realty account. (Dkt. No. 39 ¶¶ 167-70.)

Accordingly, instead of a judgment in the amount of \$16,880,000 being entered against Sage Associates, Sage Realty, Malcolm Sage, Martin Sage, and Ann Sage Passer, jointly and severally, the parties respectfully request that the Court direct the Clerk of the Court to enter a judgment in favor of the Trustee (1) in the amount of \$13,510,000 against Sage Associates, Malcolm Sage, Martin Sage, and Ann Sage Passer, jointly and severally, and (2) in the amount of \$3,370,000 against Sage Realty, Malcolm Sage, Martin Sage, and Ann Sage Passer, jointly and severally.

This request is made without prejudice to any party's appellate or other rights.

Respectfully submitted,

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By: /s/ Lan Hoang

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